

**From:** Matthew Geiger  
**To:** Microsoft ATR  
**Date:** 12/11/01 2:33am  
**Subject:** Feedback on proposed Microsoft Settlement

Hi,

I understand the Justice Department is soliciting US public comment about Microsoft's proposal to supply computers and software to underprivileged school districts to satisfy the punishment phase of its legal settlement over monopolistic practices.

I dearly hope the Justice Department won't allow Microsoft to use its proposed settlement to extend its monopoly and potentially generate more revenue for itself by locking the neediest school districts across the US into the Microsoft product-upgrade cycle. I also trust the department sees the inherent disingenuousness of Microsoft providing the lion's share of the settlement value in software whose marginal cost to Microsoft is next to nothing - but which is being valued at off-the-shelf prices for the purposes of the settlement.

In evaluating the true worth of the Microsoft settlement, it's most informative to note the offer by Linux distributor Red Hat to provide operating system software, desktop applications and updates to these systems for free to these same school districts. That would maximize the value of the settlement for these school districts by investing all of the Microsoft payout in tangible computer hardware, which can operate on open-source software for free. The difference, Red Hat estimates, will allow qualifying schools to receive an average of 70 computers each, as opposed to the 14 each they would get under the Microsoft proposal. All this without raising the nominal amount of Microsoft's settlement.

I doubt there would be a warm reception at the DoJ for a proposal by major tobacco companies to settle their legal damages partially by supplying heart-lung machines to the nation's neediest hospitals and then satisfying the balance of the settlement in cartons of free cigarettes to the neighboring communities. Yet, this example isn't without parallel to the current Microsoft case.

Indeed, considering that this settlement itself stems from Microsoft's monopolistic practices and price-fixing, it clearly better serves the sense of justice that Microsoft's punitive settlement should help engender healthy competition in the marketplace - as well as provide maximum benefit to our educational system.

For the record, as a user of both Microsoft and open-source software at home and in the workplace, I'm fairly agnostic about the roles and performance of both. Having installed and administered a number of open-source-based servers, applications and security tools, I am

continually impressed by the stability and functionality of this free software. At the same time, I certainly appreciate that Microsoft has put a great deal of research into developing its product line.

But Microsoft's marketing practices consist of just the sort of abusive, manipulative behavior that the US' fair trade laws were designed to protect the public from. Please don't let Microsoft similarly abuse and manipulate this nation's justice system.

Yours sincerely,  
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